



## Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**DECEMBER 9, 2019**

**9:30**

**Calendar No. 19-278:**

**16802 Puritas Ave**

**Ward 17**

**Martin J. Keane**

**14 Notices**

Tony Posanle, owner, proposes to erect 119' lineal feet of 6 foot tall wooden shadowbox fence and 20 lineal feet of 6 foot tall chain link gate in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.03(a) which states that a fence running parallel to a driveway within 15 feet from property line shall not exceed 2 and ½ feet in height and shall be at least 75% percent open; the remainder of fence in front yard must be at least 50 percent open.
2. Section 358.04(a) which states that a fence in the sides street yard shall not exceed 4 feet in height and shall be at least 50 percent open.
3. Section 358.04(a) which states that no fence shall be higher than its distance from residence building on adjacent lot; 4 feet is required and 6 feet are requested.
4. Section 358.04(c)(1) which states that Board of Zoning Appeals approval is required for chain link fence in side street yard.(Filed October 30, 2019)

**9:30**

**Calendar No. 19-280:**

**3355 East 145<sup>th</sup> Street**

**Ward 1**

**Joseph Jones**

**21 Notices**

Gregory L. Jones, owner, proposes to establish a state licensed Residential facility for 10 residents at premises in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03 which states that a residential facility for more than five persons is not permitted in a Two Family zoning district but first permitted in a Multi-Family zoning district per 337.08(g). Use of premises as Residential Facility in either zoning district is permitted only if parcel is more than 1,000 feet away from existing residential Facility. Proposed use is within 1,000 feet of 3 existing Residential facilities. (Close to Home Adult Group Home at 3427 E. 147<sup>th</sup> Street, Simmons Adult Group Home at 3274 E. 143<sup>rd</sup> Street and Wright Adult Family Home at 3324 East 140<sup>th</sup> Street). (Filed November 4, 2019)

**9:30**

**Calendar No. 19-283: 4413 John Ave.**

**Ward 3  
Kerry McCormack  
14 Notices**

Stephen O'Bryan, owner, and True North Living, prospective purchaser, are proposing to erect a three story 1,700 square foot single family residence with attached garage in a B1Two-Family Residential. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07 (a) states that the driveway used to provide accessibility to accessory off- street parking spaces shall be arranged to minimize traffic congestion.
2. Section 355.04 (a) states that the minimum lot area for a single family dwelling in a "B" area district is 4,800 square feet the proposed lot area is 1,020 square feet. This section also states that the minimum lot width required is 40 feet and the appellant is proposing 16 feet.
3. Section 357.08 states that the depth of required rear yard shall be not less than the height of the main building or in this case 30 feet and the appellant is proposed 5 feet.
4. Section 357.09(b)(2)(A) states that no building shall be erected less than 6 feet from a main building on an adjoining lot. Distance to main buildings on side lot is 4 feet measured from wall of bay window on adjacent lot.
5. Section 341.02(b) states that City Planning approval is required prior to the issuance of a building permit. (Filed November 5, 2019)

**9:30**

**Calendar No. 19-284: 4102-4104 Lee Road**

**Ward 1  
Joseph Jones  
24 Notices**

Mohamed Kaba, owner, proposes to change the use of existing first floor to a grocery store and erect an addition for shipping/receiving and storage on a parcel of land that is located in a G1 Local Retail Business District, an A1 One Family Residential District and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.02 which states that a grocery store and accessory uses are not permitted in a One Family Residential district.
2. Section 348.04(d)(2)(B) which states that a 100% buildout of secondary street frontage is required, approximately 40% buildout of secondary street frontage is proposed.
3. Section 348.04(d)(2)(C) which states that a minimum 60% of secondary street frontage must consist of "Active Use", none proposed. Shipping/receiving, storage along secondary frontage is proposed and is not considered "Active Use" per Section 348.01(a)
4. Section 348.04(d)(2)(E) which states that a main, pedestrian entrance is required on the secondary frontage, not provided.
5. Section 348.04(d)(3)(A) states that minimum 75% of building between 3 and 8 feet on secondary street frontage requires glazing; not shown.
6. Section 348.048(d)(5)(C) states that a 6 foot screening element with 100% opacity is required abutting residential district to the rear.
7. Section 341.02 states that a review and approval of the City Planning Commission is required, not achieved. (Filed November 6, 2019)

**POSTPONED FROM OCTOBER 28, 2019**

**9:30**

**Calendar No. 19-199:**

**13900 Miles Rd.**

**Ward 1**

**Joseph T. Jones**

Nat Services Inc. (AKA Gusto International Ltd.), owner, proposes to demolish part of the building and leave a slab for storage of used salvaged materials in a C1 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that storage of used or salvaged materials is not permitted in a Semi-Industry District.
2. Section 349.04 (j) which states that 10% of the gross floor area is required for parking and no parking is shown.
3. Section 349.07(a) which states that accessory off-street parking spaces, driveways and vehicle maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces and surfaced with concrete, asphalt, or other acceptable paving material maintained in good condition. No drainage or specific paving detail shown. Driveway aprons must also be shown on plan.
4. Section 341.02 City Planning Commission approval is required as it is in a Design Review District (Filed August 8, 2019-No Testimony) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO ILLNESS. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION FOR FURTHER REVIEW.*

**POSTPONED FROM NOVEMBER 18, 2019**

**9:30**

**Calendar No. 19-203:**

**2443 Thurman Ave.**

**Ward 3**

**Kerry McCormack**

**11 Notices**

Elvis Sugar, owner, and Oliver Flesher, prospective purchaser, propose to erect a 3 story single family residence with an attached front loaded garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(A)(2) which states that attached garages are required to be placed on the rear half of the lot.
2. Section 355.04(a) which states that the Maximum Gross Floor Area shall not exceed 50 percent of lot size or in this case 907 square feet and the appellant is proposing 2,694 square feet

3. Section 357.08(b)(2) which states that the Required Rear Yard is 40 feet and the appellant is proposing 4 feet.
4. Section 357.09(b)(2)(C) which states that the Minimum distance between main buildings on an adjoining lot shall not be less than 6 feet and the appellant is proposing 3 feet.
5. 341.02 (b) City Planning approval is required prior to the issuance of a building permit. (Filed August 13, 2019-No Testimony)*SECOND POSTPONEMENT DUE TO AN ERROR IN THE PUBLIC NOTICE. APPELLANT MISSED THE HEARING ON OCTOBER 14, 2019 AS HE STATED THAT HE DID NOT RECEIVE NOTICE - BOARD REINSTATED ON 10/21/19. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME FOR BLOCK CLUB REVIEW.*

**THE FOLLOWING CASE HAS BEEN WITHDRAWN BY THE APPELLANT:**

**9:30**

**Calendar No. 19-243:**

**2695 East 55<sup>th</sup> Street**

**Ward 5**

**Phyllis Cleveland**

Carey Holdings Inc., owner, proposes to install a rock crusher/shredder for recycling demolition waste in a C2 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.572 which states that "Rock Crushing" means any activity that uses mechanical processes to break down rock into gravel or other small particulate matter. Rock means any man-made or naturally formed consolidated or coherent and relatively hard mass of material including but not limited to stone, concrete, cement, asphalt, conglomerate or any similar material.
2. Section 345.03 which states that Rock Crushing is not permitted in a Semi-Industry District, but first permitted in a General Industry District only as an accessory use per Section 345.04(b)(15), and only upon special permit issued by the Board of Zoning Appeals per Section 345.04(c), in accordance with the criteria of Section 345.04(c)(1) and (2).
3. Section 345.03 which states that the operation of a construction and demolition debris processing facility is not permitted in a Semi-Industry District, first permitted in a General Industry District, per Section 345.04(a)(8) and if such uses are enclosed with a minimum seven (7) foot high solid masonry wall or solid, nontransparent, opaque, well-maintained substantial fence not closer to the street line than the setback building line. Materials shall not be stored more than eight (8) feet above the top height of the wall or fence enclosing the property measured from the outside base elevation of the required screening fence.
4. Section 349.07 which states that all vehicle maneuvering areas required to be paved. (Filed September 24, 2019)